

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRIAN EUGENE LEPLEY,

Plaintiff,

v.

STATE OF NEVADA et al.,

Defendants.

2:16-cv-02848-RFB-CWH

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*.¹ (ECF No. 1, 5).

Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* on this Court's approved form and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted an application on this Court's approved form. (See ECF No. 5 at 1-5). As such, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff

¹ The Court acknowledges that, due to a docketing error, the Clerk's Office did not docket Plaintiff's complaint or application to proceed *in forma pauperis*. (See generally ECF No. 3, 4, 7). The Court now acknowledges that it received Plaintiff's complaint (ECF No. 1) and application to proceed *in forma pauperis* (ECF No. 5). The Court now addresses the sufficiency of the application to proceed *in forma pauperis* (ECF No. 5).

1 chooses to file a new application to proceed *in forma pauperis* he must file a fully complete
2 application to proceed *in forma pauperis*.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*
5 *forma pauperis* (ECF No. 5) is DENIED without prejudice to file a new application.


6 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
7 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
8 entitled information and instructions for filing an *in forma pauperis* application.

9 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
10 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
11 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
12 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
13 administrative fee).

14 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
15 dismissal of this action may result.

16 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
17 No. 1), but shall not file it at this time.

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19 DATED: This 21st day of December, 2016.

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United States Magistrate Judge
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